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February 13, 1935.

Mr. A. Dumbauld,
State Examiner,
Capitol Building,
Phoenix, Arizona.

Dear Mr. Dumbauld:

This will acknowledge receipt of your letter of February 6th in which you ask the following question:

"Are premiums on Bonds of Appointed Deputies in the County Departments "such as Deputy Sheriffs, Deputy Assessors and Deputy County Recorders a public charge or County Charge?"

Paragraph 59 of the Revised Code of Arizona, 1928, provides for the appointment of deputies and assistants. Paragraph 60 thereof provides:

"Unless otherwise provided, each deputy of any state or county officer possesses the powers and may perform the duties attached by law to the office of the principal, and whenever the official name of any principal officer is used in law conferring power, or imposing duties, liabilities or prohibitions, it includes his deputies."

The affect of this section is to place the deputy in the status of a public officer.

Paragraph 61 of the code provides, among other things, that the officer:

"~~may~~ require an official bond from a deputy appointed by him, in an amount not greater than, and conditioned as, that required of the principal officer."

Paragraph 65 of the code provides:

"~~Deputies~~ Deputies, clerks and subordinate officers must, within ten days after receiving notice of their appointment, take and file an oath in the manner required of their principals."

Paragraph 69 of the code provides:

"Whenever a public officer is required to give bond for the performance of the duties of his office, and the surety of such bond is a corporation, the premium for the writing of such bond shall be a public charge of such officer."

It is a general rule of law that, unless the payment of premiums on bonds of public officers is specifically authorized by statute, the payment thereof is a personal obligation of the officer and not a public charge.

Daniel vs. Hutchinson 150 S.E.681; 66 A.L.R. 793, also, Annotation 66 A.L.R. 795.

It is generally conceded that deputies who are required to take oath are public officers. In the case of Southern Surety Company vs. Kinney, 127 N. E., 575, it was held that under a statute authorizing a county treasurer to appoint a deputy and to take bond and surety, a bond executed by the treasurer for his deputy is an official bond.

Under the laws of Arizona there is no doubt that deputies, such as enumerated in your letter, are considered public officers and that such deputies may be required to give bond at the instance of the appointing officer.

It is our opinion that the payment of the premium on bonds of deputies, given in view of the foregoing provisions of our code, where a corporation is the surety of such bond, is a public charge of the officer appointing the deputy, in other words, said premium is a charge against the appropriation set up for each particular county office, and that such are not charges against the general fund of the state.

Respectfully yours,

John L. Sullivan
Attorney General

By
Wallace Clark
Assistant Attorney General

WC:AC